

THINK ABOUT...

*How do we get **young people** more **engaged** and **involved** with **decision making** that affects their community?*

*How can we provide **more opportunities** for **intergenerational collaboration**?*

*What can we do to ensure that **young people** feel their **feedback** and **input** is **valued**?*

*How can we **encourage service providers** to have a **presence** within **Pittwater**?*

*How can we support **young people** to **choose active transport** as their **primary method** of moving around **Pittwater**?*

*What strategies will **assist parents** and **young people** to **access support** as **required**?*

*How can we support **service providers** to **work more collaboratively**?*

*How can we support **service providers** to **continue to engage** and **support young people** and their **families** in an environment of **reduced funding** for **social services**?*

*How can we support the **implementation** of **mentoring opportunities** across **Pittwater**?*

*How can we better **showcase the interests** and **talents** of the **young people** within **Pittwater**?*

C12.3 Bungan Lane Carpark, Mona Vale

Meeting: Sustainable Towns and Villages Committee **Date:** 17 November 2014

STRATEGY: **Town & Village**

ACTION: Integrating Our Built Environment - To provide adequate parking to meet the needs of businesses and customers

PURPOSE OF REPORT

At its meeting of 13 October 2014, Council resolved, in part, that Item TC4.1 of the Pittwater Traffic Committee Meeting held on 9 September 2014 be the subject of a further report to Council.

1.0 BACKGROUND

- 1.1 The carpark soon to be completed at Bungan Lane is part of the overall provision of carparking across Mona Vale rather than just a stand-alone facility in isolation. In this broader context across the Town Centre there is a range of carparking opportunities in the following configurations that tend to complement each other:
- Angled and parallel parking bays adjoining roads in numerous locations
 - Separate customer carparks associated with public and predominantly private developments either at grade, within basements or on roof tops. Some of these are of a significant scale such as Woolworths, Aldi, Gateway, Peninsula Plaza and Pittwater Plaza which tend to act as 'anchors' to various parts of Mona Vale Town Centre.
- 1.2 In the locality of the Bungan Lane carpark there is customer parking in the basements of the adjoining Gateway and Aurora developments, across the road under the Peninsula Plaza, as well as at grade and roof top parking. The Aurora and Gateway developments also gain their access through the ground floor of the Bungan Lane carpark and as such are integrated and complement each other.
- 1.3 Specific to the Bungan Lane carpark, the Development Application was initially approved by the Development Unit in 2002. The Development Application included an Access Audit by Access Australia This considered the relevant codes and legislation and did not prescribe the need for a lift or accessible ramps to upper floors.
- 1.4 In 2012 a Modification to the Development Consent was considered by the DU and approved. This also included an independent access statement by Funktion. This again considered the relevant codes and legislation relating to access and again concluded that by providing a minimum of 5 accessible spaces on the ground floor levels met these requirements. Again there was no requirement to provide a lift or accessible ramps to the floors above.
- 1.5 The Bungan Lane carpark facility has improved upon this minimum access requirement by providing 8 x accessible spaces as well as 3 x 'parent with pram' spaces on the ground floors.
- 1.6 This carpark has a split floor construction with a ground floor and three levels above. The entrance/exit along with the western (upper) ground floor half aligns with Bungan Lane. The other half of the ground floor is half a floor down which also provides driveway access to the adjoining basement carparks of the Aurora and Gateway developments. The accessible spaces on these ground floor levels have accessible ramps to the Bungan Lane footpath.

- 1.7 This report focusses on Council's resolution to reconsider the parking restrictions for this carpark. In addition an assessment is provided on other matters that have been raised.

2.0 ISSUES

2.1 Review of Proposed Parking restrictions

- **The top split floors (Level 3) are again recommended to be 8 hour parking (6am to 6pm)** to provide longer term carparking, in particular for staff in the Mona Vale Commercial Centre and as such free up other carpark locations across Mona Vale for more regular turnover of customers. In this context a longer parking timeframe is more convenient and it is likely that these top floors will have reduced turnover.
- **Levels 1 and 2 as well as the upper ground floor level immediately adjoining Bungan Lane are recommended to have a 3 hour time limit (6am to 6pm)** – this is a change to the previous 4hour recommendation but is consistent with the former parking restriction and still provides ample opportunity to visit and shop in Mona Vale.
- **The lower ground floor level is recommended to be 1 hour parking (6am to 6pm)–** this will provide opportunity for shorter stay parking and as such higher turn over
- **The ground level split floors will have the accessible car spaces and 'Parent with Pram' spaces** that link directly with Bungan Lane
- **The previously proposed two x 15 minute spaces on the ground floor are now recommended to be two Loading Bay spaces**

It should be noted that accessible spaces are exempt from the time parking restriction.

2.2 Review of Number of accessible car spaces on the ground floor

For this type of carpark, the independent access consultant concluded that 5 accessible car spaces are required. The Modified Consent for this development has included 8 accessible car spaces plus 3 x 'Parents with Pram' spaces all conveniently located on the ground floors with accessible ramp connections to the Bungan Lane footpath.

This is a significant additional provision of specialised car spaces. It is recommended that the use of these spaces be monitored to gauge whether additional accessible spaces on the ground floor are required.

2.3 Why no lift or accessible ramps to upper floors

The Bungan Lane carpark project was the subject of two independent access audit reports, one in 2001 and more recently in 2012. These reports were informed by the relevant legislative and code requirements and concluded that as long as the ground floor(s) provided the disabled spaces with accessible ramps to Bungan Lane, the accessible requirement was satisfied. The minimum requirement was to provide 5 disabled spaces on the ground floor levels.

The Bungan Lane Carpark exceeds this requirement by providing 8 accessible car spaces with a further 3 pram friendly spaces on the ground floors, all of which have accessible ramp access to Bungan Lane.

These access audits did not specify a lift or accessible ramps to upper floors. Accordingly having fully accommodated the accessible car space requirements located on the ground floor a lift or accessible ramps have not been included to upper floors. Stair access has been provided between floors and via two stair wells.

Lifts are an added expense to both provide as well as service and maintain and in a non-secure, unsupervised location there is the risk of vandalism and anti-social behaviour. As such a lift was not provided and is not intended to be retrofitted.

Accessible ramps between upper floors also impacted on the overall carpark numbers achieved within what is already a confined site. Accessible ramp access requires grades of 1 in 14 with intermediate platforms as well as clear areas for access. To provide accessible ramps to all floors would therefore require four car spaces on each split level to be removed over seven half levels which removes up to 28 spaces. This is almost one full half floor of carparking removed.

This facility is of a scale not dissimilar to a three storey block of flats of which many do not have lift or ramp access.

2.4 Why no vehicle or path access to the rear of the Post Office?

This access was discussed with the owner of the Post Office site as well as other adjoining developments and a consolidated access for a number of properties was the initial objective so that the loss of car spaces to provide break through access could be minimised. An added constraint was the height of vehicles used by the Post Office and as such vehicle access for the Post Office vehicles could not practically be accommodated through the carpark. It was also undesirable to have additional pedestrian break through into the rear of the carpark. The Post Office already has Pittwater Road vehicle access and as such already had an alternative in use. The criticism about the removal of this access is therefore not correct.

2.5 What pedestrian access is available from the carpark to Pittwater Road?

There is an existing Pedestrian Right of Way on the southern side of the Aurora development that connects the south east corner of the carpark with Pittwater Road. As such the criticism that there is a more circuitous pedestrian route to Pittwater Road shops is not correct.

2.6 Why no Public Toilets in this carpark facility?

Public toilets were never part of this facility. Toilet facilities for shoppers are available in the adjoining developments which are likely venues for those parking in this location noting that a major contributor to the s94 carpark plan was from the Gateway development as an offset to parking on that site. Provision of a toilet facility in the carpark would add to the cost to provide, service and maintain and be problematic from a vandalism and anti-social perspective as well as take away car spaces on the ground floor. Hence there was no justification to duplicate facilities when more secure alternatives are available in close vicinity.

2.7 Why didn't the carpark go underground with basement carparking as well as above-ground carparking?

Prior to embarking on this carpark project a number of alternative development scenarios were considered, including the potential use of the 'air space' for commercial/retail development. What this concluded was that with the existing 'pre-commitments' to provide a replacement for the existing carparking on site; along with the additional spaces associated with the s94 developer contributions for carparking; and the additional car spaces generated by any additional development on this site; plus the significant added cost of construction of basement car park construction, it was not feasible to further consider basement carparking.

Hence all of the parking is above ground to maximise carparking at an affordable cost. The slope of the site, the width of the site along with the existing driveways also dictated a split floor carpark layout.

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

3.1.1 The Bungan Lane Carpark provides additional carparking for Mona Vale Town Centre which is the main commercial centre for Pittwater. It supports Council's Place planning and Enliven programs to activate these centres. It provides:

- Accessible parking on the ground floor levels
- Spaces for bicycles as an adjunct to active transport
- Motor bike and small car spaces
- A range of 'turn over' including parking opportunities for staff on the roof top levels and as such free up other spaces in the Mona Vale Town Centre for customers

3.1.2 It is noted that as part of encouraging a healthy lifestyle, the use of stairs instead of a lift is a healthier choice

3.2 Valuing & Caring for our Natural Environment (Environmental)

3.2.1 The Bungan Lane Carpark has been mindful of the need to conserve energy and as such not include an energy consuming facility such as a lift. Bicycle, motor bike and small car spaces have also been included to encourage this form of transport. As a further adjunct consideration will be given to installing solar panels on the roof elements to generate power for lighting and mechanical ventilation.

3.3 Enhancing our Working & Learning (Economic)

3.3.1 The Bungan Lane carpark is part of the overall network of car parking for the Mona Vale Town Centre. A major driver was to maximise the number of car spaces in an affordable manner from what is already a constrained site. This new facility will provide additional carparking to assist economic activity. The proposed parking arrangements cater for staff as well as customers with accessible spaces conveniently located on the ground floor levels.

3.4 Leading an Effective & Collaborative Council (Governance)

3.4.1 The Bungan Lane carpark project has been the subject of relevant development assessment and approvals processes including independent access audits and public notification. The access audits concluded that as long as the accessible spaces were accessible and logically on the ground floors, then the need for a lift or access ramps to upper floors was not required. Funding for the project is a combination of s94 developer contributions as well as a loan under the State Government LIRS program.

3.5 Integrating our Built Environment (Infrastructure)

3.5.1 The Bungan Lane Carpark provides additional carparking for the Mona Vale Town Centre as part of an overall network of carparking. It immediately adjoins the Gateway and Aurora developments which have basement carparks accessed through and connected to the Council carpark. The Gateway development has a particular link in that a significant amount of funding came from that development via s94 contributions. Hence both carparks tend to be integrated and are intended to complement each other. In this regard this adjoining carpark has secure lift access for those in need of that type of facility.

4.0 EXECUTIVE SUMMARY

- 4.1 The Bungan Lane carpark needs to be considered in an overall context as part of the carpark arrangements for the whole of the Mona Vale Town Centre which already has a range of carpark opportunities, both public and as part of private developments.
- 4.2 The Bungan Lane carpark facility fully complies with access requirements and will provide additional carpark opportunities for the Mona Vale Town Centre. Once open its use will be monitored over the next 12 months and the need for additional accessible spaces on the ground floors can be accommodated if required.
- 4.3 The revisions to the carpark restrictions will provide a range of parking modules for both staff and customers of the Mona Vale Town Centre

RECOMMENDATION

1. That the report on the Bungan Lane Carpark be noted, including access arrangements and parking restrictions
2. That the following parking restrictions be implemented at the Bungan Lane Carpark at Mona Vale:
 - Both top level split floors (Level 3) to be 8 hour parking (6am to 6pm) to facilitate longer stay parking for example staff working in the Mona Vale Town Centre and thereby free up other spaces across the Town Centre for more regular turnover of higher demand spaces
 - Floors 1 and 2 along with the upper ground floor level to be 3 hour parking (6am to 6pm) which is consistent with the previous parking restriction
 - The lower level ground floor level to be 1 hour parking for increased turnover
 - On the ground floor split levels provide as shown on the Plan (**Refer Attachment 1**):
 - 8 x accessible parking spaces
 - 3 x 'Parents with pram' spaces
 - Replace previously proposed 2 x 15 minute parking spaces in the south east corner of the ground floor with 2 x Loading Zone spaces
 - Bicycle area, motor cycle spaces and small car spaces

Note: Accessible spaces are not subject to these time restrictions

3. That the operation of the car park be monitored over the next 12 months to gauge usage patterns and report back to Council on any adjustment to the parking arrangements.

Report prepared by

Mark Shaw

MANAGER – URBAN INFRASTRUCTURE

C12.4 Submission to Your Future Central Coast

Meeting: Sustainable Towns and Villages Committee

Date: 17 November 2014

STRATEGY: Land Use & Development

ACTION: To effectively respond to state and regional planning initiatives

PURPOSE OF REPORT

The purpose of this report is to:

- Advise Council that the Department of Planning and Environment (DP&E) are in the process of developing a Central Coast Regional Growth and Infrastructure Plan, and have exhibited a discussion paper addressing the issue and to
- Report to Council the submission made in response to the discussion paper.

1.0 BACKGROUND

- 1.1 The DP&E are preparing Regional Growth and Infrastructure Plans to plan for sustainable growth and change within regions across NSW. Regional Growth and Infrastructure Plans consider the changes in population forecasted to 2031 and identify the required housing, employment and infrastructure to accommodate these changes.
- 1.2 The process for developing a Regional Growth and Infrastructure Plan has commenced for the Central Coast Region. As the first step, the DP&E have prepared a discussion paper, Your Future Central Coast outlining the population forecasts for the Central Coast region and outlining the issues around development in the region. Supporting documentation such as previous economic studies, transport plans and community strategic plans prepared by the local councils accompanied the discussion paper to provide further information.
- 1.3 The feedback from the discussion paper will inform the draft Regional Growth and Infrastructure Plan, which will be exhibited for consultation and Council will have another opportunity to comment on this issue.
- 1.4 The Central Coast region encompasses Gosford City Council and Wyong Shire Council. As Pittwater Council shares a boundary with this region the discussion paper and supporting documentation has been reviewed and a submission has been prepared in response.
- 1.5 The exhibition period concluded on 16 November 2014. However, for the purpose of reporting this submission to Council, the DP&E have confirmed that Pittwater Council's submission will be considered if it is lodged on 18 November 2014, following Council's consideration.

2.0 ISSUES

- 2.1 The discussion paper advises that by 2031 the Central Coast will be home to an additional 64,250 people. To support this growth, an extra 30,750 new jobs would need to be created and new infrastructure provided.

- 2.2 The discussion paper highlights the need for better quality and quantity of public transport for the Central Coast. Improvements to transport connections around the Central Coast region and between the region and Sydney are discussed. However, this discussion focuses on road, rail and freight transport and the existing connection between Pittwater and the Central Coast is only briefly mentioned.
- 2.3 No improvements or changes to the ferry service between Palm Beach and Wagstaffe/Ettalong have been proposed as part of the discussion paper. In the submission prepared by Council staff, the DP&E are encouraged to consider improvements to the ferry service in association with connecting public transport to ensure this remains a viable service between the Sydney and Central Coast regions.

3.0 SUSTAINABILITY ASSESSMENT

3.1 Supporting & Connecting our Community (Social)

The submission advocates for the continued and enhanced connection between Pittwater community and the Central Coast through improvements to the current ferry service.

3.2 Valuing & Caring for our Natural Environment (Environmental)

The submission prepared advocates for improvements to the ferry service to encourage greater use of public transport and less reliance of private motor vehicle use between Pittwater and the Central Coast.

3.3 Enhancing our Working & Learning (Economic)

Improvements to the ferry service between Palm Beach and the Central Coast would provide more opportunities for Central Coast residents to commute in to Pittwater for employment and tourism opportunities.

3.4 Leading an Effective & Collaborative Council (Governance)

Participating in the consultation and exhibition of the on the discussion paper provides an opportunity for Council to be proactive and clearly outline the issues foreseen with preparing a Regional Growth and Infrastructure Plan for the Central Coast and how they may affect Pittwater.

3.5 Integrating our Built Environment (Infrastructure)

Making a submission regarding the ferry service between Pittwater & the Central Coast gives Council a chance to advocate for improvements to transport infrastructure between the regions.

4.0 EXECUTIVE SUMMARY

- 4.1 The Department of Planning and Environment (DP&E) are in the process of developing a Central Coast Regional Growth and Infrastructure Plan
- 4.2 A discussion paper has been prepared as a first step to producing a Central Coast Regional Growth and Infrastructure Plan
- 4.3 The discussion paper highlights the need for better quality and quantity of public transport for the Central Coast.
- 4.4 No improvements or changes to the ferry service between Palm Beach and Wagstaffe/Ettalong have been proposed

- 4.5 The submission prepared by Council staff (**Attachment 1**) advocates for improvements to the ferry service to support future growth in the Central Coast.

RECOMMENDATION

That Council endorses the submission outlined in **Attachment 1**.

Report prepared by
Keeley Allen - Strategic Planner

Andrew Pigott
MANAGER, PLANNING & ASSESSMENT

Keeley Allen, Strategic Planner
8:00am to 5:30pm Monday - Thursday, 8:00am to 5:00pm Friday
Phone 9970 1158

18 November 2014

The Secretary
Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Re: Your Future Central Coast

Pittwater Council welcomes the opportunity to comment on the Your Future Central Coast discussion paper

The discussion paper notes that water transport has played an historic role in the Central Coast region and will continue to play a role in the region's public transport network. Pittwater Council encourages the Department of Planning and Environment and Transport for NSW to consider how that role can be expanded to provide a viable alternative to private transport between the different locales around Brisbane Water and to the Sydney region through Palm Beach.

It is noted that the ferry services are not mentioned at all in the current Regional Transport Plan and this oversight should be amended as part of the process of preparing the Central Coast Regional Growth and Infrastructure Plan.

The ferry service between Palm Beach and Wagstaffe/Ettalong acts as a connection between the Central Coast and Sydney regions and, with further support from the State government, can assist in alleviating the pressure on road and rail connections between the regions. Improvement to the ferry service, including wharf upgrades, integration with the Opal card ticketing system and a regular service to the Gosford waterfront, would encourage more people to use public transport for commuting and for seasonal tourism. This is a particular benefit to the planned revitalisation for Gosford Regional City and the Gosford waterfront. Pittwater Council encourages the Department of Planning and Environment to consider these actions and incorporate an expanded role of the regional ferry service in the Regional Growth and Infrastructure Plan and the Regional Transport Plan

Should you have any further queries regarding any of the matters raised in this submission, please do not hesitate to contact Keeley Allen.

Yours sincerely

Mark Ferguson
General Manager

C12.5	Amendments to the Pittwater Local Environmental Plan (LEP) 2014
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Meeting: Sustainable Towns & Villages Committee **Date:** 17 November 2014

STRATEGY: Land Use & Development

ACTION: Prepare new Standard Instrument Local Environment Plan (LEP)

PURPOSE OF REPORT

The purpose of this report is:

- To update Council on the status of amendments to the Pittwater Local Environmental Plan (LEP) 2014.
- To seek Council's endorsement of the attached Planning Proposal, which intends to rectify omissions on the Lot Size Map in the Pittwater LEP 2014, for sending to the Department of Planning & Environment (DP&E) for a Gateway Determination.

1.0 BACKGROUND

- 1.1 On 21 July 2014, Council was informed that the Pittwater Local Environmental Plan (LEP) 2014 came into effect on 27 June 2014.
- 1.2 Following a thorough review of the Pittwater LEP 2014 after it was made, it was evident that a number of changes had been introduced in the period between Council adopting the draft Pittwater LEP on 20 December 2013 and the Pittwater LEP 2014 being made.
- 1.3 Council was informed of some key changes, which included:
- The removal of zone objectives that addressed minimising unnecessary impacts on the natural environment and/or the desired character of the locality.
 - The removal of height controls for 'secondary dwellings', 'rural worker's dwellings' and the second dwelling within a 'dual occupancy (detached)' in Clause 4.3 (Height of buildings).
 - The removal of the ability to undertake 'Structures associated with vehicular and pedestrian access including garages, carports, stairs, paths, inclinator and the like' on certain land intended to be acquired for public purposes; expressly land zoned 'SP2 Infrastructure' and marked "Classified road" (Clause 5.1A Development on land intended to be acquired for public purposes).
 - Adding the ability to do an 'extension' and an 'alteration' in the foreshore area (Clause 7.8 Limited development on foreshore area).
 - Removing reference to the 'E4 Environmental Living' zone from Clause 7.12 (Location of sex services premises), in relation to deciding whether to grant development consent to development for the purposes of sex services premises and considering whether the premises will be located on land that adjoins, is directly opposite or is separated only by a local road from land zoned 'E4 Environmental Living'.
 - The removal of Sector and Buffer Area labels and the creek line corridors on the Urban Release Area Map.
 - The replacement of the Lot Size Map as adopted by Council on 20 December 2013, with the draft Lot Size Map as exhibited during the second public exhibition.

- 1.4 Council was subsequently informed that amendments to the Pittwater LEP 2014, incorporating required amendments to the Lot Size Map, would be undertaken.
- 1.5 At a Council meeting on 16 June 2014, the following resolution was made in relation to the Pittwater LEP 2014:

That a delegation consisting of the Mayor, available Councillors, the General Manager and staff seek an urgent meeting with the Minister for Planning and DP&I staff to gain an understanding and justification for the changes made to the draft Pittwater LEP 2014 by the DP&I and why state Government policies in regard to Local Government planning decisions, community consultation and risk management in foreshore areas have not been followed.

2.0 ISSUES

2.1 Meeting with the Hon. Robert Stokes MP

- 2.1.1 On 15 July 2014, a meeting with the Hon. Robert Stokes MP (Minister for the Environment, Minister for Heritage, Minister for the Central Coast, and Assistant Minister for Planning) and DP&E staff, was held with the Mayor, Councillor Ferguson, Councillor Young, the General Manager, and Council staff to discuss issues with some of the changes made to the Pittwater LEP 2014.
- 2.1.2 The meeting was productive and DP&E staff advised that a letter to Council, clarifying some of the changes made to the Pittwater LEP 2014 during the process of finalising the Plan, had been drafted and was awaiting sign-off.

2.2 Correspondence with the DP&E

- 2.2.1 Council received correspondence from the DP&E (dated 27 August 2014) (see **Attachment 1**), as mentioned at the meeting with the Hon. Robert Stokes MP, clarifying some of the changes made to the Pittwater LEP 2014 during the process of finalising the Plan. The correspondence also suggested that a meeting be arranged with staff from Council and the DP&E to further progress the issues.
- 2.2.2 Council responded to the DP&E correspondence on 3 October 2014 (see **Attachment 2**). Council's letter outlined the amendments proposed to the Pittwater LEP 2014 and the preferred approach to making each amendment.
- 2.2.3 Council's letter was the basis for discussion at the meeting held with staff from Council and the DP&E on 8 October 2014. A forward path was established for each matter addressed in the letter and the DP&E advised that they would write to Council outlining the outcome. At the time of preparing this report, the letter had not yet been received.

2.3 Draft Lot Size Map

- 2.3.1 During the second public exhibition of the draft Pittwater LEP, it was noted that the draft Lot Size Map contained omissions, predominantly relating to:
- Properties that have a split zone, which should subsequently have a split minimum lot size (18 properties to be amended to have a split minimum lot size – two were inadvertently given an increased ability to subdivide and 16 were inadvertently given a decreased ability to subdivide)
 - Properties that should be identified on the Lot Size Map but were not (28 properties to be added to the Lot Size Map)

- Properties identified on the Lot Size Map having an incorrect minimum lot size (15 properties to be amended to have a different minimum lot size)
- Properties identified on the Lot Size Map where a minimum lot size is unnecessary (193 properties to be removed from the Lot Size Map)

2.3.2 A number of these omissions were rectified for the purpose of reporting the draft Pittwater LEP to Council on 20 December 2013 for adoption, however when the Pittwater LEP 2014 was made, amendments relating to the abovementioned omissions had not been made on the Lot Size Map. Subsequently, the current Lot Size Map contains errors which require rectifying.

2.3.3 As a Planning Proposal is required to rectify such omissions, a comprehensive review of the Lot Size Map (as made) was undertaken to ensure a robust Lot Size Map.

2.3.4 **Attachment 3** contains a Planning Proposal to amend the Lot Size Map in the Pittwater LEP 2014. It is recommended that Council endorse the attached Planning Proposal and draft Lot Size Map, for sending to the DP&E for a Gateway Determination to certify the commencement of a statutory public exhibition.

2.3.5 Preliminary non-statutory notification has not been undertaken for the purpose of amending the Lot Size Map as the proposed amendments stem from the process of undertaking a 'like for like' approach to preparing the new LEP for Pittwater, or a translation of the previous LEP – the Pittwater LEP 1993. In line with this, the Lot Size Map was intended to translate the subdivision controls as specified in the Pittwater LEP 1993.

2.3.6 Notwithstanding this, letters were sent to land owners where the Lot Size Map is proposed to change for their property, to advise of this Council meeting. Land owners will also be informed about the commencement of the statutory public exhibition of the Planning Proposal and draft Lot Size Map, should Council endorse the recommendation relevant to the attached Planning Proposal and draft Lot Size Map.

2.4 Section 73A submissions

2.4.1 Section 73A of the *Environmental Planning & Assessment Act 1979* (EP&A Act) provides for expedited amendments to an environmental planning instrument, such as an LEP, provided amendments are minor in nature.

2.4.2 To date, Council has initiated the following expedited amendments to the Pittwater LEP 2014 via Section 73A of the EP&A Act following omissions during the process of finalising the Plan:

- 1) Amendments to the Urban Release Area Map to reinstate the labels and creek line corridors to ensure Part 6 (Urban Release Areas) of the Pittwater LEP 2014 written instrument functions as intended.
- 2) Amendments to maps relevant to 120-122 Mona Vale Road, Warriewood (following the making of Amendment no. 1 to the Pittwater LEP 2014) to be in line with the recommendation of the Joint Regional Planning Panel.
- 3) Amendments to the legend and label on the Land Zoning Map in relation to the name of the zone for the Sydney Lakeside Caravan Park from 'SP3 Tourism' to 'SP3 Tourist' to ensure that the Land Use Table in the Pittwater LEP 2014 written instrument is applicable.

- 4) Amendments to the Land Zoning Map to remove incorrect labels and amend a boundary between 'SP2 Cemetery' and 'SP2 Infrastructure'; an amendment to Clause 7.12 (Location of sex services premises) to remove reference to the 'R1 General Residential' zone (no land in Pittwater is zoned R1) and reinstate reference to the 'E4 Environmental Living' zone; and an amendment to Schedule 1(8) of the written instrument to rectify an error in the sentence structure.

Of the abovementioned items, the first three came into effect on 26 September 2014 as Amendment no. 2 to the Pittwater LEP 2014. The fourth item is not yet in effect – it is likely to form Amendment no. 3 to the Pittwater LEP 2014.

3.0 WHERE TO FROM HERE?

3.1 The active Section 73A amendment

- 3.1.1 It is anticipated that the subsequent amendment will come into effect in the coming months

3.2 Planning Proposals

3.2.1 Draft Lot Size Map

- 3.2.2 Should Council endorse the recommendation relevant to the attached Planning Proposal and draft Lot Size Map, these will be sent to the DP&E for a Gateway Determination to certify the commencement of a statutory public exhibition.

- 3.2.3 As part of the statutory public exhibition of the Planning Proposal and draft Lot Size Map, the following is proposed to be undertaken:

- A 28-day public exhibition (in accordance with the DP&E's '*A guide to preparing local environmental plans*', the Planning Proposal is considered to be 'low impact')
- Notification in writing to all affected land owners, registered Pittwater community groups and chambers of commerce, and relevant public authorities and State agencies at the commencement of the public exhibition
- Notification in the Manly Daily at the commencement of the public exhibition
- Displays of the relevant documentation at Council's Customer Service Centres and libraries for the duration of the public exhibition
- Information about the amendments to the Lot Size Map on Council's website for the duration of the public exhibition
- Council staff will be available to respond to any enquiries

- 3.2.4 All submissions received during the public exhibition will be reviewed and considered before presenting the outcome to Council.

3.2.5 Future Planning Proposals

- 3.2.6 On receipt of the letter from the DP&E, as discussed at the meeting held on 8 October 2014, further amendments to the Pittwater LEP 2014 are likely to be commenced.

- 3.2.7 Council will be kept informed of any further amendments proposed to the Pittwater LEP 2014.

4.0 SUSTAINABILITY ASSESSMENT

4.1 Supporting & Connecting our Community (Social)

In line with the preparation of the draft Pittwater LEP, the process of facilitating the proposed amendments to the Pittwater LEP 2014 will incorporate the review and consideration of comments received from members of the Pittwater community.

4.2 Valuing & Caring for our Natural Environment (Environmental)

The proposed amendments will not affect the local provisions and/or zone objectives contained in the Pittwater LEP 2014, which protect the local environment and heritage, and manage natural hazards.

4.3 Enhancing our Working & Learning (Economic)

The proposed amendments will not affect the Pittwater LEP 2014 in protecting our valuable employment land and recognising the important role of Mona Vale as our town centre.

4.4 Leading an Effective & Collaborative Council (Governance)

Should Council endorse the recommendation relevant to the attached Planning Proposal and draft Lot Size Map, following receipt of a Gateway Determination from the DP&E, a statutory public exhibition will be undertaken whereby comments received from members of the Pittwater community will be reviewed and considered before presenting the outcome of the public exhibition to Council.

4.5 Integrating our Built Environment (Infrastructure)

No public infrastructure is required as a result of the proposed amendments, nor do the proposed amendments affect the Pittwater LEP 2014 in retaining and enhancing existing and proposed infrastructure to ensure the sustainable growth of the community.

5.0 EXECUTIVE SUMMARY

5.1 The purpose of this report is:

- To update Council on the status of amendments to the *Pittwater Local Environmental Plan (LEP) 2014*.
- To seek Council's endorsement of the attached Planning Proposal, which intends to rectify omissions on the Lot Size Map in the Pittwater LEP 2014, for sending to the Department of Planning & Environment (DP&E) for a Gateway Determination.

5.2 On 15 July 2014, a meeting with the Hon. Robert Stokes MP (Minister for the Environment, Minister for Heritage, Minister for the Central Coast, and Assistant Minister for Planning) and DP&E staff, was held with the Mayor, Councillor Ferguson, Councillor Young, the General Manager, and Council staff to discuss issues with some of the changes made to the Pittwater LEP 2014. The meeting was productive and DP&E staff advised that a letter to Council, clarifying some of the changes made to the Pittwater LEP 2014 during the process of finalising the Plan, had been drafted and was awaiting sign-off.

5.3 Council received correspondence from the DP&E (dated 27 August 2014) (see Attachment 1), clarifying some of the changes made to the Pittwater LEP 2014 during the process of finalising the Plan.

5.4 Council responded to the DP&E correspondence on 3 October 2014 (see **Attachment 2**). Council's letter outlined the amendments proposed to the Pittwater LEP 2014 and the preferred approach to making each amendment.

- 5.5 Council's letter was the basis for discussion at a meeting held with staff from Council and the DP&E on 8 October 2014. A forward path was established for each matter addressed in the letter and the DP&E advised that they would write to Council outlining the outcome. At the time of preparing this report, the letter had not yet been received. On receipt of the letter from the DP&E, amendments to the Pittwater LEP 2014 are likely to be commenced. Council will be kept informed of any future amendments proposed to the Pittwater LEP 2014.
- 5.6 During the second public exhibition of the draft Pittwater LEP, it was noted that the draft Lot Size Map contained omissions. A number of these omissions were rectified for the purpose of reporting the draft Pittwater LEP to Council on 20 December 2013 for adoption, however when the Pittwater LEP 2014 was made, amendments relating to the abovementioned omissions had not been made on the Lot Size Map. Subsequently, the current Lot Size Map contains errors which require rectifying.
- 5.7 **Attachment 3** contains a Planning Proposal to amend the Lot Size Map in the Pittwater LEP 2014. It is recommended that Council endorse the attached Planning Proposal and draft Lot Size Map, for sending to the DP&E for a Gateway Determination to certify the commencement of a statutory public exhibition.
- 5.8 Section 73A of the *Environmental Planning & Assessment Act 1979 (EP&A Act)* provides for expedited amendments to an environmental planning instrument, such as an LEP, provided amendments are minor in nature. To date, Council has initiated four expedited amendments to the Pittwater LEP 2014 via Section 73A of the EP&A Act following omissions during the process of finalising the Plan. Three came into effect on 26 September 2014 as Amendment no. 2 to the Pittwater LEP 2014; and the fourth is not yet in effect – it is likely to form Amendment no. 3 to the Pittwater LEP 2014.

RECOMMENDATION

1. That Council endorse the Planning Proposal at **Attachment 3** to amend the Lot Size Map in the Pittwater Local Environmental Plan (LEP) 2014.
2. That Council endorse the commencement of the statutory process to amend the Lot Size Map in the Pittwater Local Environmental Plan (LEP) 2014 and endorse sending the Planning Proposal at **Attachment 3** to the Department of Planning & Environment (DP&E) with a request for a Gateway Determination.
3. That, following receipt of a Gateway Determination, a statutory public exhibition be undertaken.

Report prepared by
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